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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/827,436 | 04/20/2004 | Nobuaki Takamizu | 0051-0227PUS1 | 2731 |
| 2292 | 7590 | 08/26/2004 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | WHITE, RODNEY BARNETT | |
| | | ART UNIT | PAPER NUMBER | |
| | | 3636 | | |

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|-----------------------------|-------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/827,436 | TAKAMIZU, NOBUAKI |
| | Examiner Rodney B. White | Art Unit 3636 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 11-12, Applicant defines a “fall prevention member which contacts the stroller”. With that limitation, the claim reads as if the Applicant intends to claim the child car seat in combination with the “stroller body”. So it is unclear as if Applicant intends to claim the child car seat in combination with the stroller body. Previously in the claim, the Applicant uses language such as “for” and “to be”. But when using the language “which contacts the stroller body”, the claim reads as if he is positively claiming the stroller. Applicant repeats such language in claims 4-5, which also reads as if the stroller body is part of the invention when he uses language “the locking rod contacts the front leg of the stroller body” and in claim 5, lines 3-4, “with sandwiching therebetween an armrest boss part projected from a front end of the armrest” and later with “positioned forward the front leg.” Perhaps it is recommended that the Applicant claims his invention in combination with the stroller body because not only does the present invention not work with all strollers or stroller bodies, but some of

the limitations of the present invention, like those in claims 2-6 and 9, are dependent on the stroller body. It is not clear how Applicant can define his invention without claiming the combination.

The aforementioned problem renders the claim vague and indefinite. Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-2 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Washizuka et al (U.S. Patent No.6,695,400).

Washizuka et al teaches a child car seat capable of being mounted on a stroller body including a front leg, a hand push rod, and an armrest, comprising a child car seat body to be fitted in the stroller body, a locking member disposed on the child car seat body to be engaged with the armrest of the stroller body, a locking/unlocking mechanism 238 34 or disposed on the locking member for locking the child car seat on the stroller body, and having a locking/unlocking lever, the locking/unlocking mechanism being unlocked and maintained in the unlocked state upon an operation of the locking/unlocking lever; and a fall prevention member which contacts the stroller body for preventing the child car seat from falling off the stroller body, wherein the fall prevention member extends downwardly from the locking member.

Claims 1-2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Perego (U.S. Patent No.6,318,807).

Perego teaches a child car seat capable of being mounted on a stroller body including a front leg, a hand push rod, and an armrest, comprising a child car seat body

to be fitted in the stroller body, a locking member disposed on the child car seat body to be engaged with the armrest of the stroller body, a locking/unlocking mechanism or disposed on the locking member for locking the child car seat on the stroller body, and having a locking/unlocking lever, the locking/unlocking mechanism being unlocked and maintained in the unlocked state upon an operation of the locking/unlocking lever; and a fall prevention member which contacts the stroller body for preventing the child car seat from falling off the stroller body, wherein the fall prevention member extends downwardly from the locking member.

Claims 1-2 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Bapst et al (U.S. Patent No. 6,409,205).

Bapst et al teaches a child car seat capable of being mounted on a stroller body including a front leg, a hand push rod, and an armrest, comprising a child car seat body to be fitted in the stroller body, a locking member disposed on the child car seat body to be engaged with the armrest of the stroller body, a locking/unlocking mechanism or disposed on the locking member for locking the child car seat on the stroller body, and having a locking/unlocking lever, the locking/unlocking mechanism being unlocked and maintained in the unlocked state upon an operation of the locking/unlocking lever; and a fall prevention member which contacts the stroller body for preventing the child car seat from falling off the stroller body, wherein the fall prevention member extends downwardly from the locking member.

Claims 3-4 and 6-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barrett et al, Noonan, Johnson, Jr. et al, Huang, Welsh, Jr. et al, Stephens et al, Haut et al, Perego, Bapst et al, Welsh, Jr. et al, Hartenstine et al, Yang et al, and Wood et al teach infant carriers and strollers similar to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (703) 308-2276.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,
Patent Examiner
Art Unit 3636
August 23, 2004


Rodney B. White
Patent Examiner